

### **REMARKS/ARGUMENTS**

In the Non-Final Office Action mailed July 15, 2008, claims 198-203, 207-216, 220-223, 231, 232, 246-249, and 251-254 are examined and rejected as follows:

- Claims 198-203, 207-216, 220-223, 231, 232, 246-249, and 251-254 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- Claims 198-202, 207-215, 220-223, 247, 249, 252, and 254 are rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by Kendrick (USPN 2,883,044, “the Kendrick patent”).
- Claims 198, 203, 216, 231, 232, 246, 248, 251, and 253 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Kendrick patent in view of Wise (USPN 3,361,252, “the Wise patent”).

Applicants respectfully traverse the rejections of claims 198-203, 207-216, 220-223, 231, 232, 246-249, and 251-254 for the reasons set forth below.

#### **The Invention**

Before addressing the specific claim limitations, it will be helpful first to briefly summarize the invention of the pending claims.

The present invention resides a label sheet construction that includes a liner sheet and a facestock sheet that includes an edge. The label sheet construction also includes at least one cut line through the facestock sheet but not the liner sheet. The at least one cut line defines a label that is releasably attached to the liner sheet with the label including a

portion, and a label-free waste portion that is part of the facestock and is outside of the label. Furthermore, the label sheet construction includes a weakened line segment in the facestock sheet but not the liner sheet. The weakened line segment extends linearly between the at least one cut line defining the label and the edge of the facestock sheet. The weakened line segment is in the label-free waste portion and does not extend through the label. Additionally, the label sheet construction includes a fold line that includes the weakened line. The label sheet construction is configured so that it can be manipulated into label-portion graspable condition in which the label portion is separated from the liner sheet as a result of the liner sheet being folded along the fold line.

The present invention also resides a label sheet construction that includes a liner sheet with a first and second portion and a facestock sheet that is coupled to the liner sheet and includes an edge. The label sheet construction also includes at least one cut line through the facestock sheet but not the liner sheet. The at least one cut line defines a label releasably attached to the liner sheet with the label including a portion, and a label-free waste portion that is part of the facestock and is outside of the label. Furthermore, the label sheet construction includes a weakened line segment in the facestock sheet but not the liner sheet. The weakened line segment extends linearly between the at least one cut line defining the label and the edge of the facestock sheet. The weakened line segment is in the label-free waste portion and does not extend through the label. Additionally, the label sheet construction includes a fold line that includes the weakened line. The label sheet construction is configurable so that in a first configuration, the entire label is adhered to the liner sheet. The label sheet construction is also configurable so that in a second configuration, the first portion of the liner sheet is in a bent back position, relative to the second portion of the liner sheet. The first portion of the liner sheet is bent along the fold line and the portion of the label is in a released condition relative to the first portion of the liner sheet. In the second configuration, the label portion is spaced from the liner sheet in a label-portion graspable position.

**The Rejection of Claims 198-203, 207-216, 220-223, 231, 232, 246-249, and 251-254  
Based on 35 U.S.C. § 112, Second Paragraph**

On pages 2 and 3 of the Office Action, independent claims 198 and 212, and dependent claims 199-203, 207-211, 213-216, 220-223, 231, 232, 246-249, and 251-254 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner alleges it is unclear from the claim language, in claims 198 and 212, “where the weakened line segment is located with regard to the label as one line in the phrase state that it is a label-free waste portion of the facestock while a second line states that it passes through the label.” Claims 199-203, 207-213, 214-216, 220-223, 231, 232, 246-249, and 251-254 were rejected due to their dependency on rejected claims 198 and 212. Applicants respectfully traverse this rejection of claims 198-203, 207-216, 220-223, 231, 232, 246-249, and 251-254.

Amended independent claims 198 and 212 state “a label-free waste portion that is part of the facestock sheet and outside of the label.” The amended independent claims also state “the weakened line segment is in the label-free waste portion and extends linearly between the at least one cut line that defines the label and the edge of the facestock sheet.” The amended independent claims also state “the weakened line segment does not extend through the label.”

Applicants believe that amended independent claims 198 and 212 are clear with respect to where the weakened line segment is located with regard to the label. Dependent claims 199-203, 207-211, 213-216, 220-223, 231, 232, 246-249, and 251-254, which depend from claims 198 and 212, are also clear based on the amendments to independent claims 198 and 212. Based upon the amendments to independent claims 198 and 212, this rejection of claims 198-203, 207-216, 220-223, 231, 232, 246-249, and 251-254 based upon 35 U.S.C. § 112, second paragraph, is improper and should be withdrawn.

**The Rejection of Claims 198-202, 207-215, 220-223, 247, 249, 252, and 254 Based on the Kendrick Patent**

On pages 3-5 of the Office Action, independent claims 198 and 212, and dependent claims 199-202, 207-211, 213-215, 220-223, 247, 249, 252, and 254 are rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by the Kendrick patent. Applicants have amended independent claims 198 and 212. Applicants respectfully traverse this rejection of amended independent claims 198 and 212, and dependent claims 199-202, 207-211, 213-215, 220-223, 247, 249, 252, and 254.

The Kendrick patent discloses “a carrier 1 to which a series of separate pressure sensitive adhesive labels 2 is secured,” in col. 2, lines 39-40. The Kendrick patent also discloses “[b]efore applying the label stock 4 to the carrier 1 the carrier 1 is slit at 4a completely into two or more strips 5 and is brought together again by a sheet of flexible hinge forming material 6 . . . ,” in col. 2, lines 58-62. In col. 3, lines 5-8, the Kendrick patent discloses “[a]dditional cuts 7 are also made in the portions 10 of the label material 4 between each label. Cuts 7 substantially overlay the slits 4a of carrier 1, as shown in Fig. 6 . . . .”

Amended claims 198 and 212 require, *inter alia*, “a label-free waste portion that is part of the facestock sheet and outside of the label; a weakened line segment in the facestock sheet but not the liner sheet, the weakened line segment is in the label-free waste portion . . . ; a fold line that includes the weakened line segment in the facestock sheet . . . .” The Kendrick patent *fails* to teach or suggest a fold line that includes a weakened line segment in a label-free waste portion, and that the weakened line segment is in the facestock sheet but not the liner sheet, as required by the amended independent claims 198 and 212. For this reason, the Applicants submit that the §102(b) rejection of amended independent claims 198 and 212, and dependent claims 199-202, 207-211, 213-

215, 220-223, 247, 249, 252, and 254, which depend from independent claims 198 and 212, is improper and should be withdrawn.

**The Rejection of Claims 198, 203, 216, 231, 232, 246, 248, 251, and 253 Based on the Kendrick Patent in View of the Wise Patent**

On pages 5-8 of the Office Action, claims 198, 203, 216, 231, 232, 246, 248, 251, and 253 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Kendrick patent in view of the Wise patent. Independent claims 198 and 212 have been amended. Applicants respectfully traverse this rejection of amended independent claim 198 and dependent claims 203, 216, 231, 232, 246, 248, 251, and 253, which depend from amended independent claim 198 or 212.

As discussed above, amended independent claims 198 and 212 require, *inter alia*, “a label-free waste portion that is part of the facestock sheet and outside of the label; a weakened line segment in the facestock sheet but not the liner sheet, the weakened line segment is in the label-free waste portion . . . ; a fold line that includes the weakened line segment in the facestock sheet . . .” As described above, the Kendrick patent *fails* to teach or suggest a fold line that includes a weakened line segment in a label-free waste portion, and that the weakened line segment is in the facestock sheet but not the liner sheet as required by the amended independent claims 198 and 212. There is also no suggestion or teaching in the Kendrick patent that the carrier of the Kendrick patent can be free of slits.

The Wise patent discloses “a support card 1” in col. 2, line 41, “[a] set of three parallel score lines 6, 7 and 8 are in the front surface of the card 1” in col. 2, lines 51-52, and “[t]he labels 2 are arranged on the card 1” in col. 2, line 64. The Wise patent *fails* to disclose or suggest the support card can be free of score lines.

Accordingly, the Kendrick patent and the Wise patent, individually or combined, *fail* to disclose or suggest “a label-free waste portion that is part of the facestock sheet and outside of the label; a weakened line segment in the facestock sheet but not the liner sheet, the weakened line segment is in the label-free waste portion and extends linearly between the at least one cut line that defines the label and the edge of the facestock sheet, the weakened line segment does not extend through the label; and a fold line that includes the weakened line segment . . . ,” as required by amended independent claims 198 and 212.

For at least the reasons listed above, the §103(a) rejection of amended independent claim 198 and its dependent claims 203, 231, 246 and 248, as well as dependent claims 216, 232, 251 and 253, which depend from amended independent claim 212, is improper. Applicants respectfully submit that this § 103 rejection should be withdrawn.

### **Conclusion**

This application should now be in condition for a favorable action. Applicants respectfully request entry of this Amendment and an early allowance of all claims herein. If for any reason the Examiner finds the application other than in allowance, the Examiner is requested to call the undersigned patent agent at the below telephone number to discuss the steps necessary for placing the application in condition for allowance.

Appl. No. 09/954,621  
Amdt. Dated January 15, 2009  
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Payment for fees due in connection with the filing of this amendment is made via credit card. In the event of a payment deficiency, or if additional fees are due, please charge any underpayment or additional fees to Avery Dennison's Deposit Account No. 013025.

Respectfully submitted,  
AVERY DENNISON CORPORATION

Dated: 01/14/09 By: /Ronald Ugolick – Reg. No. 57,080/  
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